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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,211	01/29/2004	Kang Soo Seo	1740-000078/US	3350

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HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER
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JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,211	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> Heather R. Jones	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the Republic of Korea on February 7, 2003. It is noted, however, that applicant has not filed a certified copy of the 10-2003-007894 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-23 define a recording medium embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed recording medium can mean a piece of paper on which the program is written.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (U.S. Patent 7,054,545).

Regarding claim 1, Ando et al. discloses a recording medium having a data structure for managing reproduction duration of still pictures, comprising: a playlist area storing at least one playlist (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim 2, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the recording medium further comprising: a data area storing the first and second files (Figs. 1 and 7; col. 5, lines 29-33).

Regarding claim 3, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the playitem provides navigation information for reproducing presentation data from the first file, the presentation data includes at least the still picture and related data associated with the still picture (Figs. 1 and 11).

Regarding claim 4, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the related data includes graphics data (Figs. 6A and 6B).

Regarding claim 5, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the related data includes subtitle data (Figs. 6A and 6B).

Regarding claim 6, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the presentation data is divided into one or more still picture units such that each still picture unit includes at least one still picture and associated related data (Figs. 1 and 11).

Regarding claim 7, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the recording medium further comprising: a data area storing the first file, and the first file does not include audio data (Fig. 1 – image, audio, and text files are stored separately).

Regarding claim 8, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the duration information indicates

whether to display the still picture for one of a finite and an infinite period of time (col. 39, lines 38-50).

Regarding claim **9**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 8 including that the duration information indicates a length of time to display the still picture when the duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-50).

Regarding claim **10**, Ando et al. discloses a recording medium having a data structure for managing reproduction duration of still pictures, comprising: a playlist area storing at least one playlist file (col. 11, lines 12-15), the playlist file including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating at least one still picture from a first data stream to reproduce and providing duration information for display of the still picture, the sub-playitem providing navigation information for reproducing an audio stream from a second data stream separate from the first data stream (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **11**, Ando et al. discloses all the limitations as previously discussed with respect to claim 10 including that the duration information indicates whether to display the still picture for one of a finite and an infinite period of time (col. 39, lines 38-50).

Regarding claim **12**, Ando et al. discloses all the limitations as previously discussed with respect to claims 10 and 11 including that the duration information

indicates a length of time to display the still picture when the duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-50).

Regarding claim **13**, Ando et al. discloses a recording medium having a data structure for managing reproduction duration of still pictures, comprising: a data area storing presentation data (Figs. 1 and 7; col. 5, lines 29-33), the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (Figs. 1 and 11); and a navigation area storing at least one playlist (col. 11, lines 12-15), the playlist including at least one playitem, the playitem indicating at least one of the still picture units to reproduce and providing duration information for display of the still picture in the still picture unit (Figs. 7, 8, 10, and 11; col. 39, lines 38-50).

Regarding claim **14**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the related data in at least one still picture unit includes graphics data (Figs. 6A and 6B).

Regarding claim **15**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the related data in at least one still picture unit includes subtitle data (Figs. 6A and 6B).

Regarding claim **16**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the data area stores the presentation data in a first clip file, and stores audio data in a second clip file (Fig. 1 – image, audio, and text files are stored separately).

Regarding claim **17**, Ando et al. discloses all the limitations as previously discussed with respect to claims 13 and 16 including that the playlist further includes at least one sub-playitem, the sub-playitem providing navigation information for reproducing the audio data from the second clip file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **18**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that each still picture unit includes only one still picture (Figs. 7, 8, and 10).

Regarding claim **19**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the duration information indicates whether to display the still picture for one of a finite and an infinite period of time (col. 39, lines 38-50).

Regarding claim **20**, Ando et al. discloses all the limitations as previously discussed with respect to claims 13 and 19 including that the duration information indicates a length of time to display the still picture when the duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-50).

Regarding claim **21**, Ando et al. discloses a recording medium having a data structure for managing reproduction duration of still pictures, comprising: a data area storing presentation data in a first clip file and audio data in a second clip file (Figs. 1 and 7; col. 5, lines 29-33), the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data (Figs. 1 and 11); and a playlist area storing at



least one playlist (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating the presentation data from the first clip file to reproduce and providing duration information for display of each still picture indicated for reproduction, the sub-playitem providing navigation information for reproducing the audio data from the second clip file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **22**, Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the duration information indicates, for each still picture, whether to display the still picture for one of a finite and an infinite period of time (col. 39, lines 38-50).

Regarding claim **23**, Ando et al. discloses all the limitations as previously discussed with respect to claims 13 and 22 including that wherein the duration information indicates a length of time to display a still picture when the duration information of the playitem indicates to display a still picture for a finite period of time (col. 39, lines 38-50).

Regarding claim **24**, Ando et al. discloses a method of recording a data structure for managing reproduction duration of at least one still picture on a recording medium, comprising: recording at least one playlist on the recording medium (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating at least one still picture from a first file to reproduce and

providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **25**, Ando et al. discloses a method of reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: reproducing at least one playlist from the recording medium (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **26**, Ando et al. discloses in Fig. 14 an apparatus for recording a data structure for managing reproduction duration of at least one still picture on a recording medium, comprising: a driver (409) for driving an optical recording device to record data on the recording medium; a controller for controlling the driver to record at least one playlist on the recording medium (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem providing navigation information indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing

navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

Regarding claim **27**, Ando et al. discloses in Fig. 14 an apparatus for reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: a driver (409) for driving an optical reproducing device to reproduce data recorded on the recording medium; a controller for controlling the driver to reproduce at least one playlist from the recording medium (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem (Fig. 7; col. 8, lines 46-56), the playitem providing navigation information indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 25, 2007



**JOHN MILLER**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600